



HAMBURG CITY COUNCIL AGENDA

APRIL 27, 2021

1. Call City Council Meeting to Order

- **Pledge of Allegiance**

2. Public Comment *(Individuals may address the City Council about any non-agenda item(s) of concern. Speakers must state their name, address, and limit their remarks to three minutes. The City Council may not take official action on these items and may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting agenda.)*

3. Agenda Review (Added Items) and Adoption

4. Consent Agenda *(NOTICE TO PUBLIC: All those items listed as part of the Consent Agenda will be approved by a single motion, unless a request to discuss one of those items is made prior to that time. Anyone present at the meeting may request an item to be removed from the consent agenda. Please inform the Council when they approve the agenda for this meeting.)*

- **Approve Payment of Added April Claims List (\$15,957.01)**
- **Approve Cash Flow Statements for March 2021**
- **Purple Reigns – Painting the County Purple**
- **NYA Small Business Seminar & Breakfast**

5. Old City Business

- **State of MN - Office of State Auditor**
 - **Attorney General's Office Letter (Cell Phone Contracts)**
 - **Credit Card Use and Policies**
- **Public Nuisance(s) – 679/710 Park Avenue**
 - **May 13th Court Date**
- **Parcel 11.0282010 Annexation**

6. New City Business

- **Intoxicating Liquor License (Hamburg Baseball Park)**
- **2021 Brush Pile (Pond) Schedule**

7. City Council Reports

- **Councilmember Scott Feltmann**
- **Councilmember Eric Poppler**
- **Councilmember Jessica Weber**
- **Councilmember Tim Tracy**
- **Mayor Chris Lund**

8. Adjourn City Council Meeting



HAMBURG CITY COUNCIL AGENDA ***APRIL 27, 2021***

COMMUNITY HALL & PARK ACTIVITIES

JUNE

- 5 – Graduation (Park)**
- 6 – Graduation (Park)**
- 11 – Graduation (Park)**
- 12 – Graduation (Park)**
- 13 – Graduation (Park)**
- 26 – Big Rib Jig (Park)**
- 26 – Wedding Reception**

COMMUNITY CENTER (FIRE HALL) ACTIVITIES

APRIL

- 5 – Hamburg Lions Board Meeting**
- 5 – HFD Training**
- 6 – Mayor's In Time**
- 13 – Hamburg City Council Meeting**
- 13 – Young America Township Meeting – 7:00 PM**
- 19 – Hamburg Lions Club**
- 26 – Hamburg Fire Dept. (Relief Association) Meeting**
- 27 – Hamburg City Council Meeting – 7:00 PM**

MAY

- 3 – Hamburg Lions Board Meeting**
- 3 – HFD Training**
- 4 – Mayor's In Time**
- 11 – Hamburg City Council Meeting – 7:00 PM**
- 11 – Young America Township Board Meeting**
- 17 – Hamburg Lions Club**
- 31 – Hamburg Fire Dept. (Relief Association) Meeting**

CITY OF HAMBURG
NOTICE OF A HAMBURG CITY COUNCIL MEETING
TUESDAY, APRIL 27, 2021
7:00 P.M.

NOTICE IS HEREBY GIVEN, that the City of Hamburg City Council will hold a City Council Meeting on Tuesday, April 27, 2021 at 7:00 p.m., in the Council Chambers, 181 Broadway Avenue, Hamburg, MN.

This meeting is a regular scheduled meeting of the Hamburg City Council. Due to the current health pandemic of COVID-19, the Council Chambers will be closed to the public.

It is anticipated that some or all members of the City Council due to the COVID-19 Pandemic will participate in the meeting by telephone or other electronic means pursuant to Minnesota Statutes, Section 13D.021 rather than in-person at the City Council's regular meeting place at City Hall, 181 Broadway Avenue, Hamburg, Minnesota.

Members of the public can listen to and/or participate in the council meeting live online at <https://us02web.zoom.us/j/6817521480>, the Zoom App on your cellphone via the google play store, or by calling 1-312-626-6799. Use Meeting ID: 681 752 1480 when logging in or calling in. Use # as your participant ID.

To view a copy of the Agenda Packet please refer to the City Website: www.hamburgmn.com by clicking on the City Council Meetings tab. To be added to the Agenda please call City Offices by Noon on Friday.

If you have any questions, please contact City Hall (952) 467-3232 for further information.

POSTED BY THE HAMBURG CITY CLERK
Jeremy Gruenhagen, City Clerk/Treasurer

2021 April Claims List

CHECK #	VENDOR	FUND	CLAIM DESCRIPTION	AMOUNT	APPROVED
ACH	EFTPS	Divided	Fed, Social Security, MC - March 2021	\$2,955.62	4/13/2021
ACH	MN Dept. of Revenue	Divided	March 2021 State Withholding Tax Payment	\$511.00	4/13/2021
ACH	PERA	Divided	PERA Withholding - March 2021	\$517.83	4/13/2021
ACH	HealthPartners	Divided	Health Insurance for April 2021	\$4,508.15	4/13/2021
ACH	Security Bank & Trust	General Gov't	ACH Service Fees for March 2021	\$30.60	4/13/2021
ACH	Google	General Gov't	Email Accounts (9) Administered by Google G Suite	\$108.00	4/13/2021
ACH	ZOOM	General Gov't	Video Conferencing Service	\$16.09	4/13/2021
ACH	Greg Schultz	Divided	Wages 3/22/21 to 4/4/21	\$1,899.10	4/13/2021
ACH	Tamara Bracht	Divided	Wages 3/22/21 to 4/4/21	\$857.28	4/13/2021
ACH	Kwik Trip	Public Safety (FD)	Fuel for March, 2021	\$95.77	4/13/2021
ACH	MN Dept of Labor & Industry	Public Safety (FD)	Building Permit Surcharge Report for 1st Qtr 2021	\$22.44	4/13/2021
ACH	Verizon Wireless	General Gov't	(7) Cell Phone Lines for 3/25/2020 - 4/24/2021	\$290.50	4/27/2021
Debit Card	US Postal Service	General Gov't	EDDM Postage for COVID-19 Newsletter April 2, 2021	\$75.07	4/13/2021
Debit Card	Amazon	Public Safety (FD)	3 Pack of Printer Toner Cartridges	\$32.99	4/13/2021
Debit Card	Amazon	General Gov't	Box of Printer Paper, Ink Refill for Hand Stamps, Wet Erase M	\$110.47	4/13/2021
Debit Card	Urban Land Institute	General Gov't	Urban Land Institute Membership Renewal	\$240.00	4/27/2021
Debit Card	Amazon	General Gov't	Toner Cartridges for HP Desktop Printer	\$22.95	4/27/2021
Debit Card	US Postal Service	General Gov't	Pre-Stamped Envelopes Box of 500	\$335.90	4/27/2021
Debit Card	US Postal Service	General Gov't	EDDM Postage for COVID-19 Newsletter April 22, 2021	\$75.07	4/27/2021
20557	VOID	VOID	Printer Issue - VOID	\$0.00	4/13/2021
20558	VOID	VOID	Printer Issue - VOID	\$0.00	4/13/2021
20559	VOID	VOID	Printer Issue - VOID	\$0.00	4/13/2021
20560	VOID	VOID	Printer Issue - VOID	\$0.00	4/13/2021
20561	CarQuest	General Gov't Bldgs	Shop Tools	\$110.00	4/13/2021
20562	Carver County Attorney's	General Gov't	1st Qtr 2021 - Fines Collected & Qtrly Surcharge	\$183.86	4/13/2021
20563	CarverLink	Divided	Internet/Phone April	\$160.79	4/13/2021
20564	Cintas	Hall	Cleaning Supplies	\$95.73	4/13/2021
20565	Coordinated Business Systems	General Gov't	Intermedia Monthly Equipment Base Rate for 2/26/20-3/25/21	\$58.35	4/13/2021
20566	Core & Main	Water	Sensus Command Link Repair	\$305.00	4/13/2021
20567	Dan Oelfke Construction	Park & Rec.	Down Paymnet to Reroof Park Food Shelter	\$4,750.00	4/13/2021
20568	EMTS	Public Safety (FD)	(2) Initial Course Training	\$1,350.00	4/13/2021
20569	Gopher State One	Divided	March Locate Requests (4)	\$5.40	4/13/2021
20570	Hoff Barry	General Gov't	Professional Services - Annexation Ordinance Corresponden	\$528.00	4/13/2021
20571	JT Floor Covering Installations	Hall	1/2 Down for East Side Hall Floor Replacement Project	\$10,274.99	4/13/2021
20572	Kranz Lawn & Power	Park & Rec.	6 Replacement Blades for Lawnmower	\$113.70	4/13/2021
20573	Loffler Companies	General Gov't	March Copies	\$119.08	4/13/2021
20574	Melchert - Hubert & Sjodin, PLLP	General Gov't	Trebesch Litigation, Cell Phone Policy, Family CARES Act Be	\$2,987.60	4/13/2021
20575	Menards	Divided	Garbage Bags, Dish Soap, Batteries, Air Freshners	\$102.21	4/13/2021
20576	MN BCA	Public Safety (FD)	Background Check for FD Reserve Applicant	\$15.00	4/13/2021
20577	MN Pollution Control Agency	Sewer	Water Permit Annual Fee	\$505.00	4/13/2021
20578	MNSPECT	General Gov't	Residential Building Permits, License/Lead Look-up Fee	\$328.68	4/13/2021
20579	MVTL, Labs.	Sewer	Lab Fees for Quarterly Influent Sample 3-17-2021	\$61.75	4/13/2021
20580	Per Mar Security Services	Water	Base Alarm Monitoring for Water Treatment Plant 4/24-7/23, 20	\$92.07	4/13/2021
20581	Plunkett's Pest Control	Divided	General Pest Control at Hall, CC & FD on April 5th	\$139.12	4/13/2021
20582	W.W.O.T.A. Inc.	Divided	Water/Wastewater Training and Assistance for March 2021	\$675.00	4/13/2021
20583	Wm. Mueller & Sons	Divided	Fuel for City Vehicles, Hawks Lawnmower, Conbit, Snow Plow	\$611.24	4/13/2021
20584	Xcel Energy	Divided	Electricity / Natural Gas Services	\$3,702.40	4/13/2021
20585	Xcel Energy	Divided	Electricity / Natural Gas Services	\$1,101.18	4/13/2021
20586	Botlon & Menk Inc.	General Gov't	Comp. Plan Update - Professional Services Jan. 9 - Feb. 5, 20	\$200.00	4/13/2021
20587	Canon Financial Services	General Gov't	Canon Copier Gov't Contract for March	\$33.13	4/13/2021
20588	CarQuest	Public Safety (FD)	Wiper Blade for Grass Rig, Degreaser	\$34.43	4/13/2021
20589	MES	Public Safety (FD)	6 Face Masks, 2 Nozzles	\$3,392.48	4/13/2021
20590	SASCS	Public Safety (FD)	Basic Firefighter Course for Egan	\$1,370.00	4/13/2021
20591	Young America Township	General Gov't	Township Fee for Stormwater Pond Annexation	\$250.00	4/13/2021
20592	Bruce Widmer	Water	Refund of Final Water Bill Overpayment	\$9.47	4/27/2021
20593	Canon Financial Services	General Gov't	Canon Copier Gov't Contract for April	\$33.13	4/27/2021
20594	Carver County	Public Safety	Overtime Pay for Deputy Voigt	\$239.47	4/27/2021
20595	Dan Oelfke Construction	Park & Rec.	Final Payment for Re-roof of Park Food Building	\$2,805.15	4/27/2021
20596	Home Solutions	Park & Rec.	4 Keys Cut for Master Padlock at Park	\$10.76	4/27/2021
20597	Kohl's Sweeping Service	Public Works (Streets)	Streets Swept on April 23, 2021	\$1,125.00	4/27/2021
20598	Melchert, Hubert & Sjodin	General Gov't	Legal Services for Litigation, Annexation, & Code Enforcement	\$8,869.60	4/27/2021
20599	MVTL Labs Inc.	Sewer	Sewer Water Sample Date April 22, 2021	\$80.25	4/27/2021
20600	Office of the Secretary of State	General Gov't	Notary License Renewal for Deputy Clerk Bracht	\$120.00	4/27/2021
20601	S.E.H. Inc.	General Gov't	Meeting for In Place Storm Sewer System	\$1,076.07	4/27/2021
20602	Xcel Energy	Divided	Electricity / Natural Gas Services	\$623.69	4/27/2021
				\$61,353.61	
			April Claims	\$45,396.60	4/13/2021
			Added April Claims	\$15,957.01	4/27/2021
			Total April Claims	\$61,353.61	

	Beginning	2021	2021	Budget	Total	Ending
	Balance 1/1/2021	Budget Income	Budget Expense	Year-End Balance	Income Received	Balance 3/31/2021
General Fund	\$537,668.46	\$538,918.00	\$627,403.00	\$449,183.46	\$18,471.99	\$424,316.48
General Gov't			\$351,865.00			\$71,319.36
Public Safety (Fire Dept.)			\$121,543.00			\$44,896.46
Public Works (Streets)			\$67,220.00			\$7,209.52
Sanitation & Recycling			\$3,500.00			\$0.00
Parks & Recreation			\$38,485.00			\$1,402.53
Comm. Hall			\$44,790.00			\$6,996.10
Special Revenue Funds	\$470,674.84	\$70,693.00	\$29,520.00	\$511,847.84	\$263.43	\$470,938.27
City Of Hamburg (Savings)	\$462,399.34	\$64,660.00	\$29,520.00	\$497,539.34	\$255.27	\$462,654.61
Fire Equipment CD	\$8,275.50	\$6,033.00	\$0.00	\$14,308.50	\$8.16	\$8,283.66
Debt Service	\$17,690.13	\$30,927.00	\$44,147.75	\$4,469.38	\$0.00	\$1,113.88
Total (Tax Revenue Funds)	\$1,026,033.43	\$640,538.00	\$701,070.75	\$965,500.68	\$18,735.42	\$896,368.63
Enterprise Funds						
Water	\$69,695.47	\$257,543.00	\$253,570.00	\$73,668.47	\$50,049.75	\$92,394.37
Sewer	\$347,219.58	\$70,473.00	\$86,460.00	\$331,232.58	\$14,959.72	\$351,539.00
Storm Water	\$97,995.38	\$70,583.00	\$65,903.00	\$102,675.38	\$17,011.54	\$56,550.28
Total (Enterprise Funds)	\$514,910.43	\$398,599.00	\$405,933.00	\$507,576.43	\$82,021.01	\$500,483.65
Totals	\$1,540,943.86	\$1,039,137.00	\$1,107,003.75	\$1,473,077.11	\$100,756.43	\$1,396,852.28
Debt Summary	Remaining Balance 1/1/2021	Remaining Assessment 1/1/2021	Cash & Investments	2021 Principle Payments	Date Due	Unfunded Balance 1/31/2021
1992 Streets	\$0.00	\$2,962.65	\$0.00	\$0.00	Paid	(2,962.65)
2007 Streets	\$45,000.00	\$0.00	\$13,344.13	\$15,000.00	2/1/21 & 8/1/21	\$16,655.87
Cert. of Indebtedness (2018 Pumper)	\$68,400.00	\$0.00	\$4,346.00	\$22,800.00	10/31/2021	\$41,254.00
Water Wells Project	\$29,000.00	\$0.00	\$0.00	\$14,000.00	2/20/21 & 8/20/21	\$15,000.00
Water Treatment Plant	\$227,000.00	\$0.00	\$0.00	\$55,000.00	2/20/21 & 8/20/21	\$172,000.00
Sanitary Sewer Improvements	\$120,088.23	\$48,742.14	\$0.00	\$16,000.00	2/20/21 & 8/20/21	\$55,346.09
Storm Water Improvements	\$785,000.00	\$0.00	\$0.00	\$55,000.00	2/1/21 & 8/1/21	\$730,000.00
Water Tower/Water Main Imp Project	\$1,314,511.34	\$0.00	\$59,040.00	\$51,000.00	2/20/21 & 8/20/21	\$1,204,471.34
Totals	\$2,588,999.57	\$51,704.79	\$76,730.13	\$228,800.00		\$2,231,764.65

Cash Flow Actuals

	January	February	March	April	May	June	Totals
Beg. Balance	\$1,540,943.86	\$1,440,441.82	\$1,420,580.87	\$1,396,852.28	\$1,396,852.28	\$1,396,852.28	\$1,396,852.28
Income							
Property Taxes	(\$2,480.11)	\$0.00	\$0.00				(\$2,480.11)
Licenses & Permits	\$0.00	\$1,371.96	\$1,333.05				\$2,705.01
Intergov't Receipts (Aids)	\$2,483.10	\$0.00	\$4,499.26				\$6,982.36
Charges for Services							
Assessment Searches	\$0.00	\$0.00	\$0.00				\$0.00
Comm Ctr Rentals	\$0.00	\$0.00	\$0.00				\$0.00
Township Contribution	\$0.00	\$0.00	\$0.00				\$0.00
Fire Dept. Revenues	\$0.00	\$0.00	\$0.00				\$0.00
Park Rentals	\$0.00	\$0.00	\$0.00				\$0.00
Hall Receipts	\$100.00	\$150.00	\$0.00				\$250.00
Fines	\$0.00	\$0.00	\$148.00				\$148.00
Misc. Receipts	\$9,248.70	\$1,247.39	\$249.00				\$10,745.09
Other Receipts							\$0.00
Insurance Recovery	\$0.00	\$0.00	\$0.00				\$0.00
Interest Income (Checking)	\$42.14	\$37.18	\$42.32				\$121.64
Interest Income (Savings)	\$0.00	\$0.00	\$263.43				\$263.43
Transfers In	\$0.00	\$0.00	\$0.00				\$0.00
Transfers In (Savings)	\$0.00	\$0.00	\$0.00				\$0.00
Debt Proceeds/Sale of Assets	\$0.00	\$0.00	\$0.00				\$0.00
Special Assessments	\$0.00	\$0.00	\$0.00				\$0.00
Water Service	\$17,409.51	\$15,151.96	\$17,488.28				\$50,049.75
Sewer Service	\$4,879.12	\$5,180.62	\$4,899.98				\$14,959.72
Storm Water	\$5,654.97	\$5,630.34	\$5,726.23				\$17,011.54
	\$37,337.43	\$28,769.45	\$34,649.55	\$0.00	\$0.00	\$0.00	\$100,756.43
Expenses							
General Gov't	\$27,491.48	\$17,653.69	\$26,174.19				\$71,319.36
Public Safety	\$7,692.09	\$18,147.32	\$19,057.05				\$44,896.46
Public Works	\$1,531.50	\$3,834.52	\$1,843.50				\$7,209.52
Sanitation & Recycling	\$0.00	\$0.00	\$0.00				\$0.00
Park & Recreation	\$470.30	\$696.24	\$235.99				\$1,402.53
Hall Expenses	\$4,710.04	\$1,266.14	\$1,019.92				\$6,996.10
Debt Service	\$16,576.25	\$0.00	\$0.00				\$16,576.25
Capital Project Funds	\$0.00	\$0.00	\$0.00				\$0.00
Transfers Out	\$0.00	\$0.00	\$0.00				\$0.00
Transfer to Savings	\$0.00	\$0.00	\$0.00				\$0.00
Water	\$3,944.30	\$4,565.41	\$5,430.15				\$13,939.86
Sewer	\$2,801.73	\$2,467.08	\$4,617.34				\$9,886.15
Storm Water	\$0.00	\$0.00	\$0.00				\$0.00
Total Expenses	\$65,217.69	\$48,630.40	\$58,378.14	\$0.00	\$0.00	\$0.00	\$172,226.23
Other Expenses (DEBT)							
Wells/WTP Bonds	\$3,016.95	\$0.00	\$0.00				\$3,016.95
Water Imp. Bonds (2011)	\$3,897.11	\$0.00	\$0.00				\$3,897.11
Water Tower Project	\$6,496.93	\$0.00	\$0.00				\$6,496.93
Sewer Imp. Bonds (2011)	\$754.15	\$0.00	\$0.00				\$754.15
Storm Water Imp. Bonds (2011)	\$58,456.64	\$0.00	\$0.00				\$58,456.64
Total Other Expenses	\$72,621.78	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$72,621.78
Checking Balance	\$1,440,441.82	\$1,420,580.87	\$1,396,852.28	\$1,396,852.28	\$1,396,852.28	\$1,396,852.28	\$1,396,852.28
Net Income (Loss)	(\$100,502.04)	(\$19,860.95)	(\$23,728.59)	\$0.00	\$0.00	\$0.00	(\$144,091.58)

We invite the Cities of Carver County to join
the celebration by participating in...

Purple Reigns

... "painting the County purple"
during the month of June

In this 5th anniversary of his passing, the
Arts Consortium of Carver County, posthumously names

Prince

Honorary Member, 2021

Here are a few ideas to spark your imagination for participating in this
huge public art project:

- Purple flood lights on City Hall buildings
- Purple flower beds, hanging baskets and planters citywide
- Sidewalk chalk art
- Purple balloons, banners and flags in appropriate areas
- Encourage city residents to participate with:
 - Purple planters and gardens in neighborhoods and at businesses
 - Purple planter contests in neighborhoods
 - Purple neighborhood popsicle or lemonade stands
 - Purple chalk drawings on driveways and sidewalks

Please, take photos and share at #purplereigns
or send to info@artsofcarvercounty.org

Sponsored by



Arts Consortium
of CARVER COUNTY
www.artsofcarvercounty.org

Approved by the Prince Estate
Paisley Park
Chanhassen, MN

Questions: Barb Hone, *Purple Reigns*, Chairperson, 612-799-8208

News Release – *Purple Reigns*, first week in April.

Purple Reigns Honors Prince

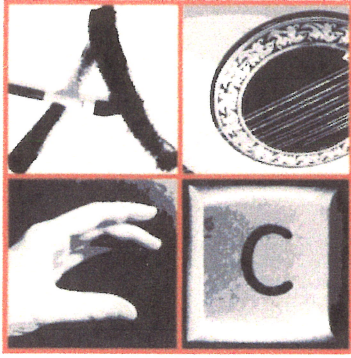
The Arts Consortium of Carver County (ACCC) with the Prince Estate's approval is posthumously naming Prince Rogers Nelson the ACCC's Honorary Member of the year. 2021 is the 5th anniversary of his passing. The ACCC is focusing on and celebrating Prince's musical genius and his international acclaim. The ACCC invites Carver County, the cities, schools, libraries, and businesses to join *Purple Reigns* and to contribute to "painting the County purple."

As Prince's birthday is June 7th, June will be our month to express *Purple Reigns* throughout Carver County. The entities above will all be invited individually, and artists from the ACCC have developed a list of potential ideas to prompt their own creativity and to participate in this unique celebration.

The Honoring ceremony will be held June 17th at the Chaska Community Center, home of the Arts Consortium of Carver County. The ACCC's criteria for becoming an Honorary Member are "*being a current or former resident of Carver County and having created art that has achieved national or international acclaim or other as determined by vote of the Board of Directors.*" Clearly, Prince's diverse artistry goes far beyond our definition.

The ACCC has previously given 11 other artists this Honor. Visit <https://artsofcarvercounty.org/about/honorary/> to meet them.

Barb Hone
President
Arts Consortium of Carver County



April 2021

About the Arts Consortium of Carver County.

The *Arts Consortium of Carver County* (ACCC) was incorporated as a 501(c)3 nonprofit December 7, 2009. The ACCC is a membership-based organization, also, funded by donations, sponsorships, grants, and the retail store in the *Chaska Community Center* and online.

The 5 founders of the arts organization recognized the benefit of collaboration among art entities in the County. The first initiative was between *Chaska Family Valley Theater* and District 112. With the use of the District's 650-seat auditorium, the theater could increase its audience and funds with fewer performances. This relation continues today.

Our Mission . . . *The Arts Consortium of Carver County strengthens our community through the arts – and cultivates the arts through the community.*

The ACCC fulfills this Mission in the following ways:

- Annually, sponsoring *ArtStock: Art, Wine & Music Festival*, the signature event hosted by *Parley Lake Winery*.
- Annual CD release featuring Carver County Songwriters & Musicians.
- Contests: Poetry, Flash Fiction, Photography.
- Annual Holiday Gift Show, retail store at the new location, Chaska Community Center (CCC).
- Calls for art for ACCC gallery exhibits at the CCC.
- The naming of Honorary Members, past & current residents of Carver County whose art has achieved nation, international acclaim.
- The monthly newsletter, *ArtMatters*. Website. Facebook. Instagram.
- Most recently, a call for Ag Art to engage the County's thriving farming community.
- Next – *Purple Reigns!*

Please, visit our website at <https://artsofcarvercounty.org/>

Our website provides more information and resources for and about the arts, artists, events, and cultural organizations around the County. We honor the past, embrace the present, and plan to make Carver County a recognized arts community. Since 2009 the *Arts Consortium of Carver County* has acted as a catalyst to incubate, stimulate, and sustain a thriving arts community throughout Carver County.

Purple Reigns Summary & In Support of Public Art

Project: *“painting the County purple”* June 2021 is sponsored by The Arts Consortium of Carver County (ACCC) with the approval of the Prince Estate.

Purpose:

- To announce and celebrate Prince as our 2021 Honorary Member. *
- To draw attention to the ACCC.
- To use this opportunity to promote **“community”** *throughout* Carver County, a part of our Mission.

The ACCC Mission Statement: *To strengthen our communities through the arts – and cultivate the arts through the community.*

The Purple Reigns Process:

- It is an *invitation* to the following entities to join the celebration by helping to “paint the County purple.”
 - Cities – Purple floodlights on City Hall and other prominent features, i.e., sculptures
 - County – Same
 - Schools – Announce a “Purple Day” in May for fun and education.
 - Libraries – Decorate in purple, balloons & banners. Display & promote “purple” books, *The Color Purple* and many others.
 - Chambers – Announce to members and challenge participation. (Ideas attached.)
- It is an *invitation* to be creative (art) and to share (community). Photos, please, #purplereigns.
- It is an *invitation* to participate & promote ourselves, businesses, etc., photos at #purplereigns.

Public Art: *Purple Reigns* is the largest public art project ever developed in Carver County.

Benefits of Public Art:

Google: **Public art** adds enormous value to the cultural, aesthetic and economic vitality of a community. It is now a well-accepted principle of urban design that **public art** contributes to a community's identity, fosters community pride and a sense of belonging, and enhances the quality of life for its residents and visitors.

*The ACCC's criteria for becoming an Honorary Member are *“being a current or former resident of Carver County and having created art that has achieved national or international acclaim or other as determined by vote of the Board of Directors.”*

**ALL Businesses
Welcome!**

*In recognition of National Small Business Week, the NYA Area Chamber of Commerce and
NYA Economic Development Commission invite you to attend ~*

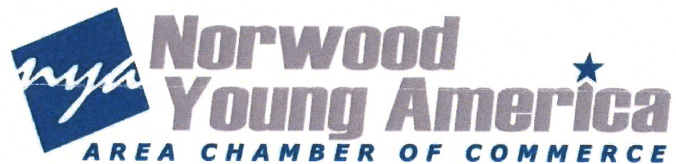
**NYA
Small
Business
Seminar &
Breakfast**

Guest Speaker: Victor Garcia of Victor's PC Solutions, LLC.
Mr. Garcia owns and operates Victor's PC Solutions which has been serving McLeod county and the surrounding areas for the past five years. Mr. Garcia will be presenting information about how businesses can stay up to date on the latest computer systems and how to drive more social media traffic – at low or no costs - using Google My Business and Facebook.

Wednesday, May 5, 2021, 8:00am

**Willkommen Memorial Park Pavilion
21 Main Street E, NYA MN 55397**

RSVP to info@nyachamber.org by Friday, April 30, 2021
or questions, call (952)467-1810



National Small Business Week ~ May 2-8, 2021



Julie Blaha
State Auditor

Suite 500
525 Park Street
Saint Paul, MN 55103

April 2, 2021

The Honorable Chris Lund, Mayor
City of Hamburg
P.O. Box 248
Hamburg, Minnesota 55339

TRANSMITTED VIA ELECTRONIC MAIL

Dear Mayor Lund:

The Office of the State Auditor (OSA) received concerns about the City of Hamburg (City). The concerns related to a City contract used to provide cellular phone service to certain City elected officials and employees primarily for their personal use. The OSA reviewed certain City financial documents for the period March 15, 2019, through December 31, 2020, and found that:

- The City used a public contract to provide cellular phone service to certain City elected officials and employees primarily for their personal use.
- The City disbursed public funds to pay for cellular phone service for certain City elected officials and employees primarily for their personal use; later obtaining reimbursement of most but not all of these personal costs.
- The City used a debit card for certain City purchases, a practice inconsistent with Minnesota law.

This letter contains the OSA's findings and recommendations to help the City comply with Minnesota law.

Provision of Primarily Personal Cellular Phone service using a Public Contract

Minnesota Law

Under Minnesota law, municipal expenditures must have a public purpose to be valid, and local government actions must be based upon statutory or charter authority.¹ Authority may be specifically stated in a statute (or home rule charter, if any) or implied as necessary to do something that is expressly authorized.² Public purpose has been defined by the Minnesota Supreme Court as "such an activity as will serve as a benefit to the community as a body and which, at the same time, is directly related to the functions of government."³

The Minnesota Attorney General's Office has addressed the specific question whether a local government can use a public contract to benefit employees who wish to purchase equipment or services from a telephone provider for their personal use.⁴ As in the present situation, the contract

¹ See, e.g., Minn. Const. art. 10, § 1; Op. Att'y Gen. (Dec. 4, 1934); 63a-2 (May 6, 1965); 59a-22 (Nov. 23, 1966).

² See, e.g., *Mangold Midwest Co. v. Village of Richfield*, 143 N.W.2d 813, 820 (1966).

³ See *Visina v. Freeman*, 89 N.W.2d 635 (1958).

⁴ November 2, 1998, Office of the Attorney General letter to S. Knutson and M. Kenney, a copy of which is attached.

considered by the Attorney General's Office was made available to the local government members of the State of Minnesota Cooperative Purchasing Venture, (often referred to as the "state contract").

The Attorney General's Office noted that the procurement practice of purchasing service and equipment for the personal use of local government employees under the state contract would "impermissibly utilize government resources."⁵

The Attorney General's Office also stated:

We are aware of no statute that would specifically authorize a local governmental unit to procure goods and services on behalf of its employees personally. Thus, this Office is of the view that the [local government] is not authorized to undertake this type of procurement.⁶

City Agreement with Verizon Wireless

An Authorized User Agreement (Agreement) for Verizon Wireless services was signed on behalf of the City by the City Clerk/Treasurer on March 15, 2019. This Agreement was made available to members of the State of Minnesota's Cooperative Purchasing Venture (CPV).⁷ In this regard, the Agreement states, in part, that "the State of Minnesota has entered into a Participating Addendum ("PA") designating City of Hamburg, a government entity . . . as an authorized user" The Agreement states the "Authorized User will ensure that this User Agreement will be used only in support of government, not for profit or private education business" and specifically provides that "Entities may not resell Wireless Services or Equipment purchased under this Contract to any third party, including its agents, contractors or contract employees."

City Elected Official and Employee Access to and use of City-Purchased Cell Phone Services

The City Council Agenda for the April 9, 2019, City Council Meeting documents "Cell Phone for city Employees (Plans) – Cell Phone Plans are now available to City Staff and Council Members under the Government contract with Verizon Wireless."

The City Clerk/Treasurer informed the OSA that the City paid for several personal cellular phone lines. The City Clerk/Treasurer also described the City's practice of paying the Verizon bill in full each month and then billing each individual for their personal line. The City used a spreadsheet to reconcile these amounts. This spreadsheet shows that the majority of the payments the City made to Verizon Wireless each month paid for personal cell phone use of the City's elected officials and City Clerk/Treasurer. This spreadsheet also documented "Balance Forward" amounts for some of these personal accounts.

⁵ See November 2, 1998, letter from Assistant Attorney General Shelley Roe to Knutson, Flynn, Deans & Olsen.

⁶ See November 2, 1998, letter from Assistant Attorney General Shelley Roe to Knutson, Flynn, Deans & Olsen.

⁷ The CPV was established by Minn. Stat. § 16C.03, subd.10, allows eligible entities to purchase goods, certain services and utilities from contracts established by the Office of State Procurement (OSP) for Minnesota state agencies. OSP contracts with vendors to provide goods, services and utilities to state agencies. This program creates a legal relationship so that eligible governmental entities can use these contracts just like state agencies. Minnesota Statutes § 471.59, subd. 1, known as the Joint Powers Act, defines the governmental entities that may join the CPV program. See www.mmd.admin.state.mn.us/coop.htm.

The City's use of a public contract and its expenditure of public funds to provide for a service primarily for certain elected official and employee private use appears inconsistent with Minnesota law regarding public purpose. It also appears inconsistent with the limitations in the Authorized User Agreement. The reimbursement by the elected officials and employees of most of these City expenditures does not remedy the impropriety of the unauthorized contract use and expenditure of public funds in the first place.

Recommendation

The OSA recommends that the City discontinue the practice of using public funds to pay for the personal cell phones of the City's elected officials and City Clerk/Treasurer.

City Debit Card

During review of City records, the OSA noted the existence and use of a City debit card. This debit card provided the card holder(s) with direct access to the City's bank account.

Minnesota Law

While cities have express statutory authority to use credit cards for city purchases, a city's authority to use debit cards is less clear.⁸ Debit cards allow city funds to be immediately withdrawn from a city's financial account, eliminating the opportunity to review the purchase before funds are removed. In addition, debit cards provide cities with less protection than credit cards.⁹ Debit cards also circumvent the claims approval safeguards found in Minnesota law.¹⁰

Recommendations

The OSA recommends that the City refrain from using debit cards in the future.

In addition, the City should use credit cards only in accordance with a comprehensive credit card policy. In order to provide guidance on what to include in such a policy, the OSA has enclosed a copy of the OSA's Statement of Position, "Credit Card Use and Policies."¹¹

⁸ See Minn. Stat. § 471.382. In contrast to the specific naming of credit card use as an acceptable means to pay city claims, the statutes do not similarly specifically name "debit card" use. Moreover, the statutes do specifically name "debit card" use as an acceptable way to receive payment. See Minn. Stat. §§ 471.382 (authority to pay claims with credit card) and 471.381, subd. 1 (authority to pay claims by "all forms of electronic or wire funds transfer"), *but see* Minn. Stat. § 471.381, subd. 2 (authorizes cities to accept payment by use of a credit card, debit card, and "all forms of electronic or wire funds transfer").

⁹ See, e.g., Credit, Debit, or ACH: Consequences & Liabilities, A Comparison of the Differences in Consumer Liabilities by Ann. H. Spiotto, Federal Reserve Bank of Chicago (September 2001).

¹⁰ See, e.g., Minn. Stat. § 412.271, subd. 2 (claims must generally be itemized and in writing).

¹¹ The Statement of Position is also available on the OSA's website at:

http://www.auditor.state.mn.us/other/Statements/creditcardusepolicies_0703_statement.pdf. The City may also want to review the League of Minnesota Cities' publication, *Procedures for Paying City Claims* (January 2019), available on the League of Minnesota Cities' website, www.lmc.org (Section VII covers credit cards).

The Honorable Chris Lund
City of Hamburg
April 2, 2021
Page 4

* * *

Should you have questions about this letter or would like additional guidance, you can contact me at (651) 296-4717 or mark.kerr@osa.state.mn.us. If you are unable to reach me, feel free to contact Nichole Bjornrud, CPA, CFE, at (651) 282-2750. As required by Minn. Stat. § 6.50, we will file a copy of this letter with the Carver County Attorney.¹²

Sincerely,

/s/ Mark F. Kerr

Mark F. Kerr, JD, CFE
Special Investigations Director
Office of the State Auditor
(651) 296-4717

Encl.

cc: The Honorable Scott Feltmann, City Council Member
The Honorable Eric Poppler, City Council Member
The Honorable Tim Tracy, City Council Member
The Honorable Jessica Weber, City Council Member
Mr. Jeremy Gruenhagen, City Clerk/Treasurer
Mr. J. Michael Melchert, City Attorney

¹² See Minn. Stat. § 6.50 ("[I]n case of any violation of law, such report shall be filed with the city attorney thereof and with the county attorney of the county in which the administrative offices of such city are located, and these officials of the law shall institute such proceedings as the law and the public interest require.").



REBECCA OTTO
STATE AUDITOR

STATE OF MINNESOTA OFFICE OF THE STATE AUDITOR

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Statement of Position Credit Card Use and Policies

Counties, cities, towns, school districts, watershed districts, and soil and water conservation districts have authority to make purchases using credit cards issued to the public entity.¹ The statutes authorizing credit card use by public entities restrict the use of credit cards to purchases for the public entity. No personal use of the credit card is permitted.²

According to Minnesota law, credit cards should only be used by those employees and officers otherwise authorized to make purchases. If the public entity does not authorize a credit card purchase, the officer or employee who made the purchase becomes personally liable for the amount of purchase.

Purchases made with the credit card must be consistent with other state law. For example, under Minnesota law, claims presented for payment must be in writing and itemized.³ Monthly statements received from a credit card company lack sufficient detail to comply with these statutory requirements. As a result, public entities using credit cards must retain the invoices and receipts needed to support the items charged in the bill from the credit card company.⁴ Similarly, listing only the credit card company on a claims list would merely identify the method of payment. It does not identify the vendors providing the goods and services, as required by law.

The authority to use credit cards does not authorize the creation of a new form of debt for the public entity. The statutes governing the issuance of debt by a public entity add a number of restrictions to the issuance of any obligation. The credit card statutes simply authorize another method of payment. Therefore, the public entity's governing board must adopt a policy of paying off the credit card charges on a monthly basis.

¹ Minn. Stat. §§ 471.382 (cities and towns); 375.171 (counties); 123B.02, subd. 23 (school districts); 103D.325, subd. 4 (watershed districts); 103C.321, subd. 6 (soil and water conservation districts).

² See, e.g., *State v. Norman*, No. A11-1721 (Minn. Ct. App. Sept. 17, 2012) (unpublished) (reimbursement of personal charges on city credit card does not negate false claim or theft by swindle charges).

³ See Minn. Stat. § 471.38, subd. 1.

⁴ If the original supporting documentation is missing, an attestation or affidavit identifying how, where, and when the money was spent, signed by the individual seeking reimbursement will suffice.

Reviewed: February 2014
Revised: February 2014

2007-1005

This Statement of Position is not legal advice and is subject to revision.

An Equal Opportunity Employer

Before implementing the use of credit cards, a public entity should adopt a comprehensive credit card policy that may include such areas as good management practices and internal control procedures.

We recommend the adoption of a comprehensive credit card policy that provides the following safeguards:

- Prohibit the use of the credit card for personal purchases;
- Identify the employees and officers who are authorized to make purchases on behalf of the public entity and are eligible to use the card;
- Identify the particular purchases that are to be made with the credit card;
- Set up a review process for all purchases made with the credit card;
- Require supporting documentation for all purchases made with the credit card;
- Restrict the total amount of charges that can be made on the credit card; and
- Obtain signed written acknowledgments of the credit card policies from all authorized card users.

Some public entities have obtained debit cards instead of or in addition to credit cards. While entities have the authority to make purchases using credit cards, the authority to use debit cards is less clear.⁵ Debit cards allow funds to be immediately withdrawn from the entity's financial account, provide fewer protections than credit cards provide, and circumvent statutory claims approval safeguards. We recommend that entities use credit cards, and not debit cards, to make purchases for the public entity.

The ability to use a credit card for small purchases in the ordinary course of business offers many advantages. However, the ability of the cardholder to make the public entity liable for an improper or illegal purchase is an inherent risk associated with credit cards. Compliance with statutory requirements, and the adoption of and adherence to a policy implementing further internal controls will greatly reduce the public entity's exposure to loss of public funds through theft or misuse of the credit card.

Additional guidance on using purchasing cards for government purchases may be found on the Government Finance Officers Association (GFOA) website at: <http://www.gfoa.org/purchasing-card-programs>.

The State of Minnesota's purchasing card and use policy is available at: <http://www.mmd.admin.state.mn.us/pdf/alpappnpolicy1.pdf>.

⁵ In contrast, cities, towns, and counties have clear authority to *accept* payment by use of debit cards. See Minn. Stat. § 471.381, subd. 2.



CARVER COUNTY ATTORNEY'S OFFICE

MARK METZ COUNTY ATTORNEY

April 19, 2021

City of Hamburg
Attn: Jeremy Gruenhagen
P.O. Box 248, 181 Broadway Avenue
Hamburg, MN 55339

Re: State of Minnesota v. David Daniel Chadwick
CA File # MD-20-55829
Court File # 10-CR-20-1181

Dear Jeremy,

Please be informed that the Pre-trial in the above-entitled matter has been continued. We regret any inconvenience you may have experienced by this delay, and we are grateful for your continued cooperation.

A new date has been set for Thursday, May 13, 2021, at the Carver County Justice Center in Chaska at 3:30 PM.

If you have any questions regarding this case please contact me at (952) 361-1486.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna Storms", with a long horizontal flourish extending to the right.

Donna M Storms
Victim Witness Coordinator



Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

Status of PID 11-028-2010 (Trebesch Property at Hamburg)

Julianne Marcsisak <jmarcsisak@mhslaw.com>

Fri, Apr 16, 2021 at 2:16 PM

To: Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

Jeremy,

For your information, I received a phone call yesterday from Kathleen Smith of the Carver County Recorder's office in regard to the above property. She stated that after their office and the Carver County Surveyor's office researched the matter, they decided that the Trebesch property was already within the city limits of the City of Hamburg going back to 1955. She will be sending out written communication in regard to the switch of the status of the property from Township to City. I am not sure just when that will come out. I thought I would just inform you for your information.

Dave Hubert

Julianne Marcsisak

Legal Assistant

Melchert Hubert Sjodin, PLLP

(952) 442-7700

jmarcsisak@mhslaw.com



Attorneys at Law

www.mhslaw.com

121 West Main Street; Suite 200, Waconia, MN 55387

This email may contain confidential information. If you are not the intended recipient, please delete this email and notify me. Thank you.

2021 POND CLOSING SCHEDULE

4/16/2021

Date	Council Member / Mayor
May 1	
May 8	
May 15	
May 22	
May 29	
June 5	
June 12	
June 19	
June 26	
July 3	
July 10	
July 17	
July 24	
July 31	
Aug. 7	
Aug. 14	
Aug. 21	
Aug. 28	
Sept. 4	
Sept. 11	
Sept. 18	
Sept. 25	
Greg will open the pond gates on Saturday mornings and each Council Member will take their turns closing the gates at 12:00 PM.	